

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MUSTAFA HUSSEIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 4:14-cv-1410 JAR
	)	
COUNTY OF ST. LOUIS, MISSOURI,	)	
CITY OF FERGUSON, MISSOURI, and	)	
RONALD K. REPOGLE, in his official	)	
Capacity as Superintendent of the	)	
Missouri Highway Patrol,	)	
	)	
Defendants.	)	

**ANSWER OF DEFENDANT CITY OF FERGUSON, MISSOURI**

COMES NOW Defendant City of Ferguson, Missouri ("City"), by and through undersigned counsel, and for its answer to Plaintiff's complaint, states as follows:

**INTRODUCTION**

1. City lacks sufficient knowledge or information to form an opinion as to the allegations in paragraph 1 of the Complaint, and therefore DENIES same.
2. City DENIES the allegations in paragraph 2 of the Complaint.
3. City makes no response to paragraph 3 of the Complaint, as it contains no factual allegation directed to City.

**JURISDICTION AND VENUE**

4. City ADMITS the allegations in paragraph 4 of the Complaint.
5. City ADMITS the allegations in paragraph 5 of the Complaint.
6. City ADMITS the allegations in paragraph 6 of the Complaint.
7. City ADMITS the allegations in paragraph 7 of the Complaint.

## **PARTIES**

8. City lacks sufficient knowledge or information to form an opinion as to the allegations in paragraph 8 of the Complaint, and therefore DENIES same.
9. City makes no response to paragraph 9 of the Complaint, as it is directed toward another defendant.
10. City DENIES the allegations in paragraph 10 of the Complaint.
11. City makes no response to paragraph 11 of the Complaint, as it is directed toward another defendant.
12. City DENIES the allegations in paragraph 12 of the Complaint.

## **FACTS**

13. City DENIES the allegations in paragraph 13 of the Complaint.
14. City DENIES the allegations in paragraph 14 of the Complaint.
15. City DENIES the allegations in paragraph 15 of the Complaint.
16. City DENIES the allegations in paragraph 16 of the Complaint.
17. City DENIES the allegations in paragraph 17 of the Complaint.
18. City DENIES the allegations in paragraph 18 of the Complaint.
19. City DENIES the allegations in paragraph 19 of the Complaint.
20. City DENIES the allegations in paragraph 20 of the Complaint.
21. City DENIES the allegations in paragraph 21 of the Complaint.
22. City DENIES the allegations in paragraph 22 of the Complaint.
23. City DENIES the allegations in paragraph 23 of the Complaint.
24. City DENIES the allegations in paragraph 24 of the Complaint.
25. City DENIES the allegations in paragraph 25 of the Complaint.

## **COUNT I**

*The enumerated paragraphs of Count I do not follow numerically the paragraphs preceding them in the Complaint; City nonetheless refers to them herein as they appear in the Complaint.*

21. City repeats its responsive pleadings to the earlier numbered paragraphs of the Complaint.
22. City DENIES the allegations in paragraph 22 of Count I of the Complaint.
23. City DENIES the allegations in paragraph 23 of Count I of the Complaint.
24. City DENIES the allegations in paragraph 24 of Count I of the Complaint.

## **AFFIRMATIVE DEFENSES**

25. As its affirmative defense, City states that any act of City alleged in the Complaint, and any act of Ferguson police officers alleged in the Complaint, were performed at the direction and under the control of the Missouri State Highway Patrol acting pursuant to executive orders issued by the Governor of the State of Missouri (specifically, Executive Orders 14-08 and 14-09), such executive orders issued pursuant to MO. REV. STAT. §§ 44.010 through 44.130, and that any policies which may have aggrieved Plaintiff were not the policies of the City of Ferguson, but of the State of Missouri.

WHEREFORE, City asks that this Honorable Court enter an order dismissing Plaintiff's Complaint as to the City, that no injunctive or declaratory relief, nor any other relief sought by Plaintiff be entered against it; and further asks for such other relief as the Court deems appropriate in the circumstances.

**CURTIS, HEINZ, GARRETT &  
O'KEEFE, P.C.**

By: /s/ Stephanie Karr

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**CERTIFICATE OF SERVICE**

A copy of the foregoing was filed electronically with the CM/ECF system operated by the United State District Court for the Eastern District of Missouri, on September 4, 2014.

/s/ Stephanie Karr